

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11713-NMG

AHMAD SHREATEH, Plaintiff

vs.

FANNIE MAE, Defendant

PLAINTIFF AHMAD SHREATEH'S
MOTION TO AMEND HIS COMPLAINT

Now comes the Plaintiff, Ahmad Shreateh, in the above-entitled matter and hereby moves this Honorable Court, pursuant to Fed.R.Civ.P. 15, for permission to amend his First Amended Complaint by substituting therefor the proposed Second Amended Complaint which is annexed hereto as Exhibit A. In support hereof the plaintiff says as follows:

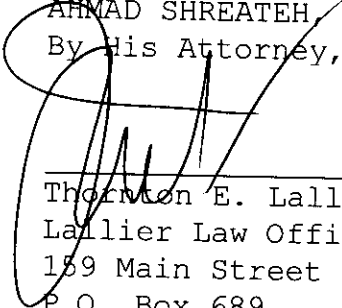
1. Counts Three and Four of the present First Amended Complaint are no longer operative, inasmuch as the Plaintiff has dismissed them against the Defendant to whom they were directed.
2. Count Two of the present First Amended Complaint is no longer operative, inasmuch as the Plaintiff has agreed that he does not have a viable cause of action against Fannie Mae, a private, for-profit corporation, under 42 U.S.C. sec. 1983.
3. In this First Amended Complaint, the Plaintiff inadvertently omitted certain common-law causes of action that arise out of the same common nucleus of operative fact.

4. In the course of researching and drafting his opposition to the Defendant's Motion to Dismiss Count One of the present First Amended Complaint, which asserts a cause of action against Fannie Mae under 42 U.S.C. sec. 1981, the Plaintiff has become aware of certain deficiencies, imprecisions and ambiguities in that Count as presently pleaded, and, without changing the fundamental nature of the case, desires to substitute for said Count One the proposed new Counts One and Two in the Second Amended Complaint.
5. The Plaintiff wishes to add the following common-law counts, of which the Court can take jurisdiction pursuant to its pendent or ancillary jurisdiction: Breach of Express Contract, Breach of Implied Contract, Breach of Contract (Third Party Beneficiary) and Intentional Infliction of Emotional Distress.
6. The Plaintiff says that he has good grounds for amending his complaint as proposed herein, as evidenced by the factual allegations set out therein.
7. The Plaintiff says that the proposed amendment is necessary in order to provide substantial justice to the Plaintiff.
8. The Plaintiff says that the desire to amend his complaint is not motivated by bad faith or dilatory motive.
9. The Plaintiff says that allowing the amendment will not create any undue delay.

10. The Plaintiff says that allowing the amendment will not create any undue prejudice to the Defendant.

WHEREFORE, the Plaintiff prays that this Honorable Court will allow this motion and permit the Plaintiff to file and serve his proposed Second Amended Complaint.

Respectfully submitted,
AHMAD SHREATEH, Plaintiff,
By His Attorney,



Thornton E. Lallier, Esq.
Lallier Law Office
159 Main Street
P.O. Box 689
Amesbury, MA 01913
Tel: 978.388.9500
BBO # 283680

AFFIDAVIT OF COUNSEL, INCLUDING LOCAL RULE 7.1(A) (2) CERTIFICATION

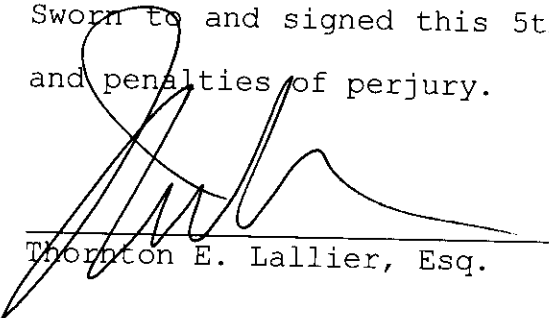
I, Thornton E. Lallier, having been duly sworn, do hereby depose and say as follows:

1. I am a duly licensed member of the bar of the United States District Court for the District of Massachusetts, and I am counsel for the Plaintiff, Ahmad Shreateh, in the present action.
2. I have read the foregoing motion, am familiar with the representations made therein, and I do hereby aver that as to all matters of fact therein alleged, the same are true, and as to all matters therein alleged upon information and belief, I do believe

the same to be true.

3. Pursuant to Local Rule 7.1(A)(2), I hereby certify that prior to serving this motion, I contacted the Defendant's attorney of record, C. Tama Donovan, Esq., in an attempt to resolve or narrow the issues addressed in this motion. *Neither can agree*

Sworn to and signed this 5th day of January, 2005 under the pains and penalties of perjury.



Thornton E. Lallier, Esq.

CERTIFICATE OF SERVICE

I, Thornton E. Lallier, hereby certify that on January 5, 2005 I mailed, postage prepaid, copies of:

1. The foregoing Plaintiff's Motion to Amend Complaint; and
2. Plaintiff's Supporting Memorandum of Law,

to: C. Tama Donovan, Esq., Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, MA 02109.

Signed under penalty of perjury.



Thornton E. Lallier, Esq